

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAVIER GOMEZ,

2:11-CV-1881 JCM (PAL)

Plaintiff,

V.

FIRST HORIZON, N.A., et al.,

Defendants.

ORDER

Presently before the court is defendants First Tennessee Bank, National Association, successor in interest by merger to First Horizon Home Loan Corporation, and Nationstar Mortgage, LLC's motion to dismiss plaintiff Javier Gomez's complaint. (Doc. #17). Mr. Gomez has failed to file a response.

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

1 In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*,
2 the court finds dismissal appropriate.

3 || Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to
5 dismiss (doc. #17) be, and the same hereby is, GRANTED.

6 DATED March 6, 2012.

UNITED STATES DISTRICT JUDGE